IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 18312 of 2007(E)

PETITIONER:

A.ABDUL NIZAR, LOADING AND UNLOADING WORKER, E.S.I.JUNCTION, KOTTIYAM, NOW RESIDING AT M.N.HOUSE, PARAKULAM, KOTTIYAM, KOLLAM DISTRICT.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS:

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1. THE DISTRICT LABOUR OFFICER, COLLECTORATE, KOLLAM.

2. THE ASSISTANT LABOUR OFFICER, PARAVUR, KOLLAM.

3. THE SUB INSPECTOR OF POLICE, KOTTIYAM POLICE STATION, KOTTIYAM, KOLLAM.

4. SRI.K.MURALI, KANJIRAMVILA VEEDU, PARAKULAM, KOTTIYAM.

BY ADV. SRI.N.NAGARESH
SRI.BINU PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO.18312 OF 2007)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the identity card under Section 26(A)(3) of the Head load Workers Act issued by R2 to the petitioner.

Ext.P2: Copy of the judgment of this Court in W.P(C) No.33741/2004 dtd.22.11.2004.

Ext.P3: Copy of the order dtd.31.12.2004 passed by R1.

Ext.P4: Copy of the order dtd.20.4.2005 issued by the Deputy Labour Officer, Kollam.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

WP(C) NO. 18312 OF 2007 - E

Dated this the 1st day of August, 2007

J U D G M E N T

The petitioner is a registered head load worker in the area of E.S.I.Junction, Kottiyam. An identity card was issued to the petitioner as per Ext.P1. The fourth respondent, claiming to be another headload worker of the same area, challenged Ext.P1 proceedings in appeal which was dismissed by Ext.P3 order. Thereafter, the Deputy Labour Officer cancelled the registration of the fourth respondent, by Ext.P4. The allegation of the petitioner in this writ petition is that the fourth respondent, by influencing the Office bearers of respondents 1 and 2, is not permitting to allot the loading and unloading work to the petitioner from 3.5.2007 onwards. The petitioner filed a complaint on 5.5.2007 before respondents 3 and 4 and requested to permit him to continue works as per Ext.P1. The third respondent summoned the petitioner and the fourth respondent before the Police Station. The petitioner

alleges that under the influence of the fourth respondent, the third respondent is reluctant to interfere with the matter under the pretext that it is a labour dispute and is insisting orders from the this Court. The petitioner therefore seeks the following reliefs:-

> "i. To issue a writ of mandamus or other appropriate writ, order or direction commanding the respondents 1 to 3 to continue to give loading and unloading works to the petitioner in E.S.I.Junction, Kottiyam as per Ext.P1 without any obstruction or hindrance from the 4th respondent or any body.
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> ii. To declare that the petitioner is entitled to conduct loading and unloading works in E.S.I.Junction, Kottiyam as per Ext.P1 without any obstruction or hindrance from the 4th respondent or any body.
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> Iii. Issue such other reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case."

2. The fourth respondent has filed a counter affidavit. In the same, he has produced Ext.R4(a)

order of the District Labour Officer by which the D.L.O. has directed reinstatement of the fourth respondent's registration. The counsel for the fourth respondent categorically submits that he is not in any way obstructing grant of head load work to the petitioner. In the above circumstances, the said submission of the fourth respondent is recorded and respondents 1 and 2 are directed to see that the petitioner is given the head load work as per Ext.P1. Respondents 1 to 3 would see that the fourth respondent honours the undertaking made by him to the effect that he will not, in any way, obstruct the petitioner from working in that area. Needless to say, that would be subject to any further orders that may be passed by the statutory authorities in the matter.

The writ petition is disposed of as above.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007